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Cc: ceagles-smith@usgs.gov;john_takekawa@usgs.gov;keith_miles@usgs.gov;mkshouse@usgs.gov[];ohn_takekawa@usgs.gov;keith_miles@usgs.gov;mkshouse@usgs.gov[];eith_miles@usgs.gov;mkshouse@usgs.gov[]; kshouse@usgs.gov[]
Bcc: []
From: CN=Erin Foresman/OU=R9/O=USEPA/C=US
Sent: Thur 10/27/2011 7:18:09 PM
Subject: Re: Fw: BDCP - toxins appendix
http://archive.deltacouncil.ca.gov/delta_science_program/publications/sci_news_0711_nrc.html
<http://profile.usgs.gov/jackerman>
<http://www.werc.usgs.gov/ackerman>
Foresman.Erin@epa.gov
mkshouse@usgs.gov

Hi Josh and Everyone,

Josh, thank you for your email and thoughts on the BDCP toxins appendix. If you have a quick reference for mercury concentration biological criteria in least terns eggs, could you send that to me?

Also thanks for pointing out that it isn't clear what the appendix seeks to accomplish. I'll try to provide some context and hopefully that will help a little bit. Apologies in advance if I cover too much preliminary info that you already know.

The BDCP is a group of projects (including the "Delta Conveyance" previously known as peripheral canal) that are collectively seeking take of threatened and endangered species under Section 10 of ESA and the state's Natural Communities Conservation Planning Act. ESA Section 10 requires the production of a habitat conservation plan (HCP) and DWR is seeking 50 year permits. USFWS and NMFS will be asked to adopt the HCP and write these take permits so they have to comply with NEPA by estimating and disclosing impacts of their permit in an Environmental Impact Statement (EIS). USFWS, NMFS, and BOR (federal lead agencies) are preparing a joint EIS/EIR document with DWR (compliance with CEQA) and it will be used as the information base for ESA and NCCPA permit decisions. The EIS/EIR is considering restoration actions at a programmatic level of information and attempting to evaluate the Delta Conveyance and some other projects at the project level, preparing to build them.

The "toxins appendix" is an appendix to Chapter 5, "The Effects Analysis," in the EIS/EIR which is focused on evaluating the impact of BDCP (new conveyance, pumps, operations, restoration, and other projects) on T & E species. The Toxins Appendix along with other 'technical' appendices is being provided to federal lead (USFWS, BOR, NMFS) and cooperating agencies (EPA & Corps) for early review so that we can provide feedback to DWR and their consultant ICF International. The idea is that this will give DWR and ICF time to improve it prior to the planned release of the Draft EIS in May 2012.

A draft of the "Effects Analysis" prepared by SAIC received a very poor and public review by the National Research Council a few months ago(http://archive.deltacouncil.ca.gov/delta_science_program/publications/sci_news_0711_nrc.html). ICF International was hired by DWR to re-do and improve Chapter 5 The Effects Analysis of the EIS/EIR. Presumably the toxins appendix is part of that effort, however if you've read it you'll know it retains an amazing potential for improvement.

I'll send you all my consolidated comments tomorrow afternoon so that you can see them. Let me know if you are not interested and I won't clog your inbox w/ more email. The turn around time on these administrative drafts is v. short and piecemeal. EPA has to provide our comments to DWR next Tuesday and we have not seen Chapter 5 Effects Analysis, just the appendices.

I've received a lot of useful input from USGS. Thank you all for responding so quickly and helping us with this. I really appreciate it!
Erin

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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

-----Josh T Ackerman <jackerman@usgs.gov> wrote: -----
To: Michelle K Shouse <mkshouse@usgs.gov>, Erin Foresman/R9/USEPA/US@EPA
From: Josh T Ackerman <jackerman@usgs.gov>
Date: 10/27/2011 10:07AM
Cc: "A. Keith Miles" <keith_miles@usgs.gov>, Collin A Eagles-Smith <ceagles-smith@usgs.gov>, John Y Takekawa <john_takekawa@usgs.gov>
Subject: Re: Fw: BDCP - toxins appendix

Hi Erin and Michelle,
I took a quick look at this, but wasn't completely sure what this is really for. If this is the toxins conservation plan for all species in the Bay-Delta, than it seems to be lacking in several areas. Primarily, there is absolutely no mention of potential bioaccumulation and effects to wildlife in the Delta, only fish. Certainly an assessment of wildlife need to be added, as their are already target criterion values for the Bay-Delta for several wildlife species and tissues, such as mercury concentrations in bird eggs designed to protect endangered least terns.
Thanks,
Josh

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From: Michelle K Shouse/DO/USGS/DOI

To: Josh T Ackerman/BRD/USGS/DOI@USGS, Collin A Eagles-Smith/BRD/USGS/DOI@USGS, John Y Takekawa/BRD/USGS/DOI@USGS
Cc: A. Keith Miles/BRD/USGS/DOI@USGS
Date: 10/26/2011 02:17 PM
Subject: Fw: BDCP - toxins appendix

Hi everyone,

I am writing to you to request your expert review of the BDCP Effects Analysis - Toxin Appendix at the request of EPA. Attached is said document. Erin Foresman is preparing EPA's response and would very much appreciate our thoughts. If you do have time to review the document, and you have some questions/comments/ideas, please communicate directly with Erin and please cc me on your message. The original message we received is included below. You can reach Erin at Foresman.Erin@epa.gov

Please send your thoughts to Erin by Friday, Oct. 28th, at the latest and let me know if you have any questions.

Thank you,
Michelle

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-----Forwarded by Michelle K Shouse/DO/USGS/DOI on 10/26/2011 01:56PM -----

To: Eric Reichard <[egreich@usgs.gov](mailto:egreich@usgs.gov)>, [rfujii@usgs.gov](mailto:rfujii@usgs.gov), "Shouse, Michelle K" <[mkshouse@usgs.gov](mailto:mkshouse@usgs.gov)>  
From: Schwinn.Karen@epamail.epa.gov  
Date: 10/21/2011 03:48PM  
cc: [Foresman.Erin@epamail.epa.gov](mailto:Foresman.Erin@epamail.epa.gov)  
Subject: Fw: BDCP - toxins appendix

Eric, Roger, and Michelle -

We just got this document (attached) from DOI. Its an appendix to the BDCP Effects Analysis prepared by the new consultant, ICF. This one is supposed to evaluate the contaminant effects on T&E species from the proposed BDCP actions (considering only the most extreme conveyance option, plus some range of habitat restoration). The constituents discussed in the document include selenium, mercury, ammonia, copper and pesticides.

From my non-scientific read, it seems pretty darn superficial - it basically says there will be less dilution but likely won't matter to fish. We are writing comments, pointing out some obvious things and questions we need addressed in the NEPA and/or 404 process. What's more difficult is advising them on how they might approach a deeper analysis. Do your folks have any time to look at this? Federico wants comments by noon on November 1 - though after that there may be an opportunity to interact with ICF directly. I checked with David Nawi on USGS involvement and he welcomes it, though I guess hasn't sought it in this particular case, given your resource constraints.

Erin Foresman, on our staff (located in Sacramento) is working on our comments. Feel free to contact have your folks contact her directly if they are able to assist. Thanks! - Karen

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[attachment "App D\_Toxins\_101411.pdf" deleted by Josh T Ackerman/BRD/USGS/DOI]